An Humble

ADDRESS

WITH

Some PROPOSALS for the Future Preventing of the Decreaſe of the Inhabitants of this Realm.

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Propoſalls for the Future preventing of the Decreaſe of the Inhabitants of this Realm.

FIrſt, it is moſt evident, that this Iſland is ſo fertil, and ſo productive of all ſorts of corn, fleſh, and fiſh, and all other things neceſſary for the maintenance of it's inhabitants, that it can maintain thouſands more, than it is now peopled withall: It is alſo productive of many Merchantable, and ſtaple Commodities, about which many thouſands might be employed more than are, or more than there are of the ordinary rank of people in the Nation. Theſe things are ſo true, that there needs no argument to Confirm them.

Secondly, it is beyond all queſtion, That the ſtrength of the King, and Kingdome, both in peace, and war, conſiſts in the multitude of it's inhabitants; and that the riches, and poverty of a Nation have their riſe and original from the number or paucity of them; and by the ſame cauſes a Nation is rendred either conſiderable or inconſiderable amongſt it's Neighbours, as to Alliances, *&c.*

So

UNIV. DUNELM

So that it ſeems to be an affair of the cheifeſt concernment, to prevent the decreaſe of the inhabitants of our Nation, and to propoſe a certain and undeniable method how ſuch a publique miſchief, may be remedied, which I ſhall endeavour briefly.

None then that underſtands the conſtitution of this Nation can deny, but it's polity, fundamental laws, and government, are as juſt, and convenient, as any in the world, notwithſtanding in every age, there is a neceſſity of abrogating Old, and eſtabliſhing New Laws, the reaſons of ſome ceaſing, and new publique inconveniencies happening, which it is neceſſary to obviate by New Laws.

Now with all thoſe penal Laws made againſt the moſt capital crimes, *viz.* Such as Felony, Burglary, and Murder it ſelf, the King by his Prorogative, has a power to diſpenſe, either wholly by acquitting the Offender from puniſhment, or by Commutation of the greater puniſhment into a Leſs; nay the Law it ſelf doth daily admit ſuch a Commutation, by inflicting the burning in the hand (upon the eaſy terms of reading a verſe in the Bible), on theſe, who according to the rigour of it are to loſe their lives.

And theſe criminalls, being thus acquitted either by the Kings clemency, or the Law, may return to their former employs, or undertake any other lawful calling without any obſtacle or impediment.

But let it be ſuppoſed, that a Malefactor is found guilty of ſome Capital crime, *viz.* Murder, Treaſon,

ſon, &c. which the King will not pardon, nor the Laws admit any Commutation for, but condemn him to the moſt ignominous death; yet this perſon is in a better, and more deſirable condition, than that to which the ſeverity, and cruelty of ſome inexorable men oftentimes reduce their fellow-ſubjects, whoſe miſery, according to ſome preſent Laws, it is not in the Kings power to relieve, although at ſuch a time, when the King, and Nation ſtands in greateſt need of their help, and aſſiſtance.

To manifeſt this is not difficult, from the frequent inſtances, and examples, of thoſe whom we every day ſee deprived of Liberty, caſt into priſons, where they are forced to live, under all the circumſtances of miſery and want, and that irrecoverably, for ſome ſmall and trifling debt, which their poverty, (to which it may be they are reduced by Divine providence) not dishoneſty, is the cauſe of not paying. Now the terrour of theſe ſufferings, more dreadfull to a Generous Spirit, than the ſevereſt death, is one of the principal reaſons of drawing great numbers of people out of this Realm.

Firſt, if we conſider the Sea-men, (than whom there is no rank of men more beneficial, nor neceſſary for *England*, being an Iſland.) The humours and inclinations of theſe men are to be liberal, yea, even prodigal in their expences ſo long as the ſtock of their Wages laſt: that being conſumed, they venture further upon their credit, in hopes of a ſucceeding employ,

ploy, of which probably failing, longer then they did ſuppoſe, and being incapable of paying their impatient creditors, from whom they conſtantly fear the ſeverity of a priſon, they betake themſelves to ſome forreign Nation, as *France*, *Holland*, *&c.* who are always ready to entertain ſuch uſeful perſons; where they fix, and never more to venture into *England*, nor have any deſire for their Native Countrey, probably having more ſtrong engagements of wife and children to oblige them to another Nation.

Secondly, The artificers, or handicrafts men, do oftentimes either by miſpending what they acquire by their labour, or by providence, fall into penury and want, and prove engaged in debts, which they have no proſpect of paying, and therefore evidently diſcern that the miſeries of a priſon muſt be their portion, out of which, (being once confined to it) they ſee no poſſibility of being reſcued. Their next reſolution therefore, is to leave their Countrey, there being no other way, by which they can evade thoſe dangers, and preſerve their liberty. And to give themſelves an encouragement to proſecute thoſe reſolves, they conſider their art and labour, will procure them, as plentiful a ſubſiſtance abroad, as at home.

Thirdly, The next that fall into calamity, various ways, are Farmers, who notwithſtanding their care, and indeſty, either by the ſmallneſs of their crops, the loſs of their ſtocks, or hard bargains, to which their ignorance betrays them, are frequently diſenabled to ſatisfy their Land-lords, which though ſometimes

times they prove charitable, and generous persons, and consider the undone condition of their distressed Tenants, yet oftentimes may prove men of much inhumanity, and will accept no satisfaction, besides the ruine of their miserable Debtors, which severity puts many Countrey-men, (the want of whom causes such large tracts of ground to lie un-occupyed in *England*) to try their future Fortunes in remote parts.

Fourthly, the last sort of men I shall instance, are Merchants, and Tradesmen, many of which do suffer greater losses both by Sea and Land, then any other; and this is so incident to their very employs, that few can pretend an exemption. Sometimes their losses are so very great, that they are altogether incapable with their small remainder, to make any proportionable satisfaction. Therefore, nature her self, whose first Law is self-preservation from misery, instructs these men, rather than submit to the cruelty, that some unrepealed laws enables unmerciful Creditors to inflict on them, to secure themselves by flying their Countrey.

From all this it must be evident to any unprejudiced person, that so many leaving this Nation for fear of being imprisoned during their lives for debts, (which frequently providence and not unthriftiness has brought upon them;) And the irrecoverable confinement of such multitudes to prisons, is the chief reason of drawing people out of *England*. Those who escape are ordinarily followed by their Families. The confinement of those who

are imprisoned, deprive the kingdome of themselves, and proves the utter destruction of their Families. So that those who upon this account leave the Land, and those who are (as it were) buried alive in prisons, by the most moderate computation doth not amount to so few, these twenty years last past, as ten thousand persons, one year with another, which in that duration of time, amount to two hundred thousand, besides that encrease, which might be reasonably expected from such a multitude.

Now for the preventing of this greatest inconvenience and mischief, for the future, these things are most humbly Proposed.

First, That some days may be set apart, every Term at *Westminster*, and at the Assizes in every County, of which publique notice may before be given, upon which days the Keepers of all Prisons shall be obliged to bring all the Prisoners confined for debt, either to *Westminster*-Hall, if they are within the Cities of *London*, or *Westminster*, or County of *Middlesex*, or to the respective Assizes, and whatsoever prisoner, will give a true, and just account of all his Estate, both personal and real, upon Oath, and assigne it to his Creditors or other Trustees for their use, and payment of debts as far as it will amount, shall be immediately discharged; or if any prisoner shall upon Oath, in any of those places mentioned, before the Honourable Judges, declare himself not to have any thing left to the value of then to be discharged from

prison,

priſon, and from his debts. The like power may alſo be conferred upon the Juſtices at the Quarter-Seſſions.

Secondly, There are yet in force, and unrepealed certain ancient Laws, which make Merchants, Shop-keepers, Graſiers, and all ſuch whoſe employments conſiſts in buying, and ſelling, Bankrupts, upon ſundry accounts, and for diverſe reaſons contained in thoſe Statute-Laws, which were of very good uſe at that time when Enacted, and would not want their conveniencies now, were they rightly, and according to their firſt intendment uſed. But many of this age are grown ſo cruel, and unreaſonable, that no former times can parrallel them, by which inhumane cauſes, they bring no advantage to themſelves, but ruine to the perſon they proſecute, and are the cauſe of a certain damage to the publique. In thoſe ancient, and more charitable times, when thoſe ſtatutes were made, if the debtor were uuder ſuch circumſtances, that he could not by giving all he had, ſatisfy his creditors, they did willingly accept of what he had, and he was ſet at liberty and freed from all confinement, and had ſome ſmall portion of his Eſtate returned, as a fund, upon which he might build his future fortunes.

In this our age, if thoſe Statutes were made uſe of againſt the moſt juſt and honeſt perſon, though ſome, nay moſt of his creditors were ſo kinde and mercifull, to be contented with the debtors eſtate, proportionably to be divided amongſt them, yet if

he prove ſo unfortunate, as to be engaged to one who is of a cruel, and uncharitable diſpoſition, who has for any pretended cauſe taken up a malicious pique againſt him, the kindneſs of the others can be no advantage to him, neither is there any poſſible means to ſecure himſelf from ruine.

Hence it is, that many men of honeſt deſigns, and juſt principles, have been forced, after conſiderable loſſes, with their little that was left, to ſeek for ſecurity and refuge, in forreign parts, by which the Creditors were deprived of what they might have had, the King and Kingdome, of that ſervice, and advantage they might have expected from whole families.

To this may be added, what has frequently happened, that many have voluntarily offered their Creditors ten or fifteen ſhillings in the pound, to free themſelves from trouble and perplexity (if poſſible) whoſe eſtate after the deduction of the charges out of it, for the obtaining the Statute againſt them, and the ill diſpoſall, which was made of the reſt, has been ſo diminiſhed, that it could not afford two ſhillings in the pound.

In order therefore to prevent all theſe mentioned inconveniencies, both to the publique, and particular perſons, it is humbly propoſed, that the extream rigour of theſe Statutes be mitigated, which will much tend to publique good, as hath, and may further be demonſtrated: and that for the future all Bankrupts may be ſummoned to appear before ſome Authority to be appointed for that purpoſe,

ſoſe, and there give a full, and juſt, and true account upon Oath; of all their Eſtates Perſonall, Reall, and in Reverſion, and deliver up all their Books, Bills, Bonds, and aſſigne their whole eſtates to their Creditors, to be proportianally divided amongſt them; and themſelves thereupon to be freed from all future trouble, and proſecution.

This courſe being taken, there will be encouragement to friends, and Relations, either to give or lend money to the debtor, or truſt him with commodities, by which he may *de novo* be put into a condition of living, aud trading, and providing for his family, which otherwiſe muſt be ruined: nay the Creditors themſelves (ſuppoſe the debtor a man of honeſt principles) may by this means, get the remainder of their debts, which his eſtate could not pay. And this has been the practice of former ages, and is made uſe of in moſt Nations, ſo that if we look through Chriſtendom, we ſhall ſcarce finde that the Laws of any place, confine men to a perpetuall impriſonment, who relinquiſh their whole Eſtates to their creditors, (though this is not ſufficient to ſatisfy all debts.) And here I humbly deſire notice may be taken, that ſo long as a Statute is in force againſt any, which muſt be till all creditors will agree, there can be no encouragement to any, to give, or lend the debtor any thing for a new fund, nor to credit him, for the Statute will reach whatſoever he hath in poſſeſſion.

To

To all this there ſeems to lie two Objections.

Firſt, It will hinder the great credit that is now given.

Secondly, It will occaſion perjury, for many will forſwear themſelves to ſecure their Eſtates.

As to the Firſt : For thoſe men, who will give no credit except they may have power to ruine the debtor if any contingent cauſe ſhould hinder the moſt exact payment, let ſuch keep their monies, and commodities, till they can diſpoſe of them to their own mindes, which if they do, others that are not of ſuch miſtruſtful tempers, will be very great gainers, who though ſometimes they ſhould meet with ſome l ſſes, yet the greatneſs of their trade would make up, and compenſate theſe.

Secondly, It is much to be deſired, that no credit at all might be given for things of abſolute neceſſity, ſuch as meat, drink, cloathes, *&c.* which would put men, who live idle lives, upon labour ; theſe being things which muſt be had ; and if ſo many multitudes of men and women who now ſpend their lives in Idleneſs, were neceſſitated to undertake ſome employment, it muſt needs bring a conſiderable advantage to the Nation. And this courſe would make the money of the Kingdom oftner circulate.

As to the ſecond Objection : That many will forſwear themſelves to ſecure their Eſtates ; Let not only thoſe puniſhments which the Law has already provided, be inflicted on the perjured perſon,

but

but it may be made Felony without benefit of Clergy, or Treaſon, by which the worſt of men would be deterred from it, it being great odds, but ſome way or other, they will be diſcovered, and convicted.

Page 4. line 27. for *indeſty* reade *induſtry*.

FINIS.